

AMENDED IN ASSEMBLY MARCH 31, 1997

AMENDED IN ASSEMBLY MARCH 19, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## ASSEMBLY BILL

**No. 205**

**Introduced by Assembly Member Machado  
(Principal coauthor: Assembly Member Honda)**

February 4, 1997

An act to amend Sections 2530.2 and 2534.2 of, to amend the heading of Article 6 (commencing with Section 2535) of Chapter 5.3 of Division 2 of, to amend and renumber Sections 2538 and 2539 of, to add Section 2532.6 to, and to add Article 7.5 (commencing with Section 2538) to Chapter 5.3 of Division 2 of, the Business and Professions Code, and to amend Section 56363 of the Education Code, relating to speech-language pathology, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 205, as amended, Machado. Speech-language pathologist.

(1) Existing law provides for the licensure of speech-language pathologists and prohibits the practice of speech-language pathology without a license. Existing law authorizes a speech-language pathology aide who meets the minimum requirements established by the Speech-Language Pathology and Audiology Examining Committee to work directly under the supervision of a speech-language

pathologist who is responsible for the extent, kind, and quality of services performed by the aide, consistent with the committee's designated standards and requirements.

This bill would authorize a speech-language pathology assistant, as defined, to assist in the provision of speech-language pathology under the direction and supervision of a speech-language pathologist who shall be responsible for the extent, kind, and quality of the services provided by the speech-language pathology assistant. The bill would establish certain requirements for a speech-language pathologist who supervises a speech-language pathology assistant and who is employed or contracted for by a public school.

The bill would require the committee to adopt regulations, would establish certain qualifications of a speech-language pathology assistant, and would provide procedures for a speech-language pathology aide with certain qualifications to make application for registration as a speech-language pathology assistant.

(2) Existing law, for purposes of these provisions, defines speech-language pathology to relate to the development of and disorders of speech, voice, or language.

This bill would provide that speech-language pathology also relates to other communication and related disorders.

(3) Existing law authorizes the committee to direct applicants to be examined for knowledge in whatever theoretical or applied fields of speech pathology or audiology as it deems appropriate.

This bill would prohibit, after January 1, 1999, the committee from renewing any license or registration, unless the applicant certifies to the committee that he or she has completed in the preceding 2 years not less than the minimum number of continuing professional development hours to be established by the committee for the professional practice authorized by his or her license or registration. The bill would set forth continuing professional development requirements, require the committee to prescribe the forms to be utilized for continuing professional development and establish exceptions from the requirements, and authorize the committee to audit and require an applicant to maintain

records of completion of required continuing professional development.

(4) Existing law requires a person engaging in the practice of speech-language pathology to pay a licensing fee, to be deposited in the Speech-Language Pathology and Audiology Examining Committee Fund, a continuously appropriated fund.

This bill would impose licensing fees upon a speech-language pathology assistant. The bill would also require the committee, by regulation, to fund the administration of the continuing professional development required by this bill as provided in (3) above through provider fees to be deposited in the fund. By increasing the source of moneys in a continuously appropriated fund, this bill would make an appropriation.

Existing law provides that a violation of the provisions regulating a speech-language pathologist is subject to criminal sanction.

This bill would set forth prohibitions regarding the utilization of the title speech-language pathology assistant or a similar title and would prohibit a person who is not registered as a speech-language pathology assistant from performing the duties and functions of a speech-language pathology assistant, except as provided in the provisions regulating the practice of speech-language pathology. By expanding the class of persons subject to criminal sanction under these provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

Existing law requires that a continuum of program options be available to meet the needs of individuals with exceptional needs. Existing law requires that designated instruction and services be available when necessary for the educational benefit of pupils with exceptional needs to be provided by specified individuals. The designated services include, but are not limited to, language and speech development and remediation.

This bill would provide that these language and speech development and remediation services may be provided by a speech-language pathologist assistant.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2530.2 of the Business and  
2 Professions Code is amended to read:

3 2530.2. As used in this chapter, unless the context  
4 otherwise requires:

5 (a) “Committee” means the Speech-Language  
6 Pathology and Audiology Examining Committee.

7 (b) “Person” means any individual, organization, or  
8 corporate body except that only individuals can be  
9 licensed under this chapter.

10 (c) A “speech-language pathologist” is a person who  
11 practices speech-language pathology.

12 (d) “The practice of speech-language pathology”  
13 means the application of principles, methods, and  
14 procedures for measurement, testing, identification,  
15 prediction, counseling, or instruction related to the  
16 development of speech, voice, or language, and to  
17 speech, voice, language, or other communication and  
18 related disorders for the purpose of identifying,  
19 preventing, managing, habilitating or rehabilitating,  
20 ameliorating, or modifying those disorders and conditions  
21 in individuals or groups of individuals; conducting  
22 hearing screenings; and the planning, directing,  
23 conducting, and supervision of programs for  
24 identification, evaluation, habilitation, and rehabilitation  
25 of speech, voice, language, or other communication and  
26 related disorders.

27 (e) “Speech-language pathology aide” means any  
28 person meeting the minimum requirements established



1 by the committee, who works directly under the  
2 supervision of a speech-language pathologist.

3 (f) (1) “Speech-language pathologist assistant”  
4 means a person who meets the academic and supervised  
5 training requirements set forth by the committee and  
6 who is approved by the committee to assist in the  
7 provision of speech-language pathology under the  
8 direction and supervision of a speech-language  
9 pathologist who shall be responsible for the extent, kind,  
10 and quality of the services provided by the  
11 speech-language pathologist assistant.

12 (2) The supervising speech-language pathologist  
13 employed or contracted for by a public school may hold  
14 either a valid and current license issued by the committee  
15 or a valid, current, and professional clear clinical or  
16 rehabilitative services credential in language, speech,  
17 and hearing issued by the Commission on Teacher  
18 Credentialing. For purposes of this paragraph, a “clear”  
19 credential is a credential that is not issued pursuant to a  
20 waiver or emergency permit and is as otherwise defined  
21 by the Commission on Teacher Credentialing.

22 (g) An “audiologist” is one who practices audiology.

23 (h) “The practice of audiology” means the application  
24 of principles, methods, and procedures of measurement,  
25 testing, appraisal, prediction, consultation, counseling,  
26 instruction related to auditory, vestibular, and related  
27 functions and the modification of communicative  
28 disorders involving speech, language, auditory behavior  
29 or other aberrant behavior resulting from auditory  
30 dysfunction; and the planning, directing, conducting,  
31 supervising, or participating in programs of identification  
32 of auditory disorders, hearing conservation, aural  
33 habilitation, and rehabilitation, including, hearing aid  
34 recommendation and evaluation procedures including,  
35 but not limited to, specifying amplification requirements  
36 and evaluation of the results thereof, auditory training,  
37 and speech reading.

38 (i) “Audiology aide” means any person, meeting the  
39 minimum requirements established by the committee,

1 who works directly under the supervision of an  
2 audiologist.

3 (j) “Board” means the Medical Board of California or  
4 a division of the board.

5 (k) A “hearing screening” performed by a  
6 speech-language pathologist means a binary puretone  
7 screening at a preset intensity level for the purpose of  
8 determining if the screened individuals are in need of  
9 further medical or audiological evaluation.

10 ~~SEC. 2. Section 2534.2 of the Business and Professions~~  
11 ~~Code is amended to read:~~

12 ~~2534.2. The amount of the fees prescribed by this~~  
13 ~~chapter is that fixed by the following schedule:~~

14 ~~(a) The application fee and renewal fee shall be fixed~~  
15 ~~by the committee in an amount which does not exceed~~  
16 ~~one hundred fifty dollars (\$150) but is sufficient to~~  
17 ~~support the functions of the committee which relate to~~  
18 ~~the functions authorized by this chapter.~~

19 ~~(b) The delinquency fee shall be twenty-five dollars~~  
20 ~~(\$25).~~

21 ~~(c) The reexamination fee shall be fixed by the~~  
22 ~~committee in an amount which does not exceed~~  
23 ~~seventy-five dollars (\$75).~~

24 ~~(d) The fee for registration of an aide shall be fixed by~~  
25 ~~the committee in an amount which does not exceed thirty~~  
26 ~~dollars (\$30).~~

27 ~~(e) A fee to be set by the committee of not more than~~  
28 ~~one hundred dollars (\$100) shall be charged for each~~  
29 ~~application for approval as a speech-language pathology~~  
30 ~~assistant.~~

31 ~~(f) A fee of one hundred fifty dollars (\$150) shall be~~  
32 ~~charged for the issuance of and for the renewal of each~~  
33 ~~approval as a speech-language pathology assistant, unless~~  
34 ~~a lower fee is established by the committee.~~

35 ~~(g) The duplicate wall certificate fee is twenty-five~~  
36 ~~dollars (\$25).~~

37 ~~(h) The duplicate renewal receipt fee is twenty-five~~  
38 ~~dollars (\$25).~~

39 ~~SEC. 3.—~~

1 SEC. 2. Section 2532.6 is added to the Business and  
2 Professions Code, to read:

3 2532.6. (a) The Legislature recognizes that the  
4 education and experience requirements of this chapter  
5 constitute only minimal requirements to assure the  
6 public of professional competence. The Legislature  
7 encourages all professionals licensed and registered by  
8 the committee under this chapter to regularly engage in  
9 continuing professional development and learning  
10 related and relevant to the professions of  
11 speech-language pathology and audiology.

12 (b) After January 1, 1999, the committee shall not  
13 renew any license or registration pursuant to this chapter  
14 unless the applicant certifies to the committee that he or  
15 she has completed in the preceding two years not less  
16 than the minimum number of continuing professional  
17 development hours established by the committee  
18 pursuant to subdivision (c) for the professional practice  
19 authorized by his or her license or registration.

20 (c) (1) The committee shall prescribe the forms  
21 utilized for and the number of hours of required  
22 continuing professional development for persons  
23 licensed or registered under this chapter.

24 (2) The committee shall have the right to audit the  
25 records of any applicant to verify the completion of the  
26 continuing professional development requirements.

27 (3) Applicants shall maintain records of completion of  
28 required continuing professional development  
29 coursework for a minimum of two years and shall make  
30 these records available to the committee for auditing  
31 purposes upon request.

32 (d) The committee shall establish exceptions from the  
33 continuing professional development requirements of  
34 this section for good cause as defined by the committee.

35 (e) (1) The continuing professional development  
36 services shall be obtained from accredited institutions of  
37 higher learning, nonprofit educational or professional  
38 associations, or other entities or organizations approved  
39 by the committee, in its discretion.

1 (2) The continuing professional development services  
2 offered by these entities may, but ~~is~~ *are* not required to,  
3 utilize pretesting and posttesting or other evaluation  
4 techniques to measure and demonstrate improved  
5 professional learning and competency.

6 (f) The committee, by regulation, shall fund the  
7 administration of this section through professional  
8 development services provider fees to be deposited in the  
9 Speech-Language Pathology and Audiology Examining  
10 Committee Fund. The fees related to the administration  
11 of this section shall be sufficient to meet, but shall not  
12 exceed, the costs of administering the corresponding  
13 provisions of this section.

14 (g) The continuing professional development  
15 requirements adopted by the committee shall comply  
16 with any subsequent guidelines for mandatory  
17 continuing education established by the Department of  
18 Consumer Affairs.

19 *SEC. 3. Section 2534.2 of the Business and Professions*  
20 *Code is amended to read:*

21 2534.2. The amount of the fees prescribed by this  
22 chapter is that—~~fixed~~ *established* by the following  
23 schedule:

24 (a) The application fee and renewal fee shall be ~~fixed~~  
25 *established* by the committee in an amount ~~which~~ *that*  
26 does not exceed one hundred fifty dollars (\$150) but is  
27 sufficient to support the functions of the committee  
28 ~~which~~ *that* relate to the functions authorized by this  
29 chapter.

30 (b) The delinquency fee shall be twenty-five dollars  
31 (\$25).

32 (c) The reexamination fee shall be ~~fixed~~ *established* by  
33 the committee in an amount which does not exceed  
34 seventy-five dollars (\$75).

35 (d) The fee for registration of an aide shall be ~~fixed~~  
36 *established* by the committee in an amount which does  
37 not exceed thirty dollars (\$30).

38 (e) A fee to be set by the committee of not more than  
39 one hundred dollars (\$100) shall be charged for each



1 application for approval as a speech-language pathology  
2 assistant.

3 (f) A fee of one hundred fifty dollars (\$150) shall be  
4 charged for the issuance of and for the renewal of each  
5 approval as a speech-language pathology assistant, unless  
6 a lower fee is established by the committee.

7 (g) The duplicate wall certificate fee is twenty-five  
8 dollars (\$25).

9 (h) The duplicate renewal receipt fee is twenty-five  
10 dollars (\$25).

11 SEC. 4. The heading of Article 6 (commencing with  
12 Section 2535) of Chapter 5.3 of Division 2 of the Business  
13 and Professions Code is amended to read:

14  
15 Article 6. Licensing and Registration

16  
17 SEC. 5. Section 2538 of the Business and Professions  
18 Code is amended and renumbered to read:

19 2537.4. (a) The name of a speech-language pathology  
20 corporation under which it may render professional  
21 services shall include one of the words specified in  
22 subdivision (a) of Section 2530.3 and the word  
23 “corporation” or wording or abbreviations denoting  
24 corporate existence.

25 (b) The name of an audiology corporation under  
26 which it may render professional services shall include  
27 one of the words specified in subdivision (b) of Section  
28 2530.3 and the word “corporation” or wording or  
29 abbreviations denoting corporate existence.

30 SEC. 6. Article 7.5 (commencing with Section 2538)  
31 is added to Chapter 5.3 of Division 2 of the Business and  
32 Professions Code, to read:

33  
34 Article 7.5. Speech-Language Pathology Assistant

35  
36 2538. A person seeking approval as a speech-language  
37 pathology assistant shall make application to the  
38 committee for that approval.

39 2538.1. (a) The committee shall adopt regulations, *in*  
40 *collaboration with the State Department of Education,*

1 *the Commission on Teacher Credentialing, and the*  
2 *Advisory Commission on Special Education*, that set forth  
3 standards and requirements for the adequate supervision  
4 of speech-language pathology assistants.

5 (b) The committee shall adopt regulations as  
6 reasonably necessary to carry out the purposes of this  
7 article, that shall include, but need not be limited to, the  
8 following:

9 (1) Procedures and requirements for application,  
10 registration, renewal, suspension, and revocation.

11 (2) Training program approval requirements.

12 (3) The scope of responsibility, duties, and functions of  
13 speech-language pathology assistants.

14 (4) The requirements for the wearing of  
15 distinguishing name badges with the title of  
16 speech-language pathology assistant.

17 (5) Minimum continuing professional development  
18 requirements for the speech-language pathology  
19 assistant, not to exceed 12 hours in a two-year period. The  
20 speech-language pathology assistant's supervisor shall act  
21 as a professional development advisor. The  
22 speech-language pathology assistant's professional  
23 growth may be satisfied with successful completion of  
24 state or regional conferences, workshops, formal  
25 in-service presentations, independent study programs, or  
26 any combination of these concerning communication and  
27 related disorders.

28 (6) Minimum continuing professional development  
29 requirements for the supervisor of a speech-language  
30 pathology assistant.

31 (7) The type and amount of direct and indirect  
32 supervision required for speech-language pathology  
33 assistants.

34 (8) The maximum number of assistants permitted per  
35 supervisor.

36 (9) A requirement that the supervising  
37 speech-language pathologist shall remain responsible and  
38 accountable for clinical judgments and decisions and the  
39 maintenance of the highest quality and standards of



1 practice when a speech-language pathology assistant is  
2 utilized.

3 2538.3. (a) A person applying for approval as a  
4 speech-language pathology assistant shall have either of  
5 the following qualifications:

6 (1) Have graduated from a speech-language  
7 pathology assistant associate of arts degree program  
8 approved by the committee.

9 (2) Have passed a competency test, or have a  
10 combination of experience and training that in the  
11 opinion of the committee is equivalent to that obtained  
12 in an approved education program.

13 (b) On or before January 1, 2001, speech-language  
14 pathology aides who have worked as a speech-language  
15 pathology aide for a period of at least 12 months, may  
16 make application for registration as a speech-language  
17 pathology assistant based upon the committee's  
18 recognition of that aide's job training and experience and  
19 the performance of functions and tasks similar to the  
20 speech-language pathology assistant category.

21 2538.5. This article shall not be construed to limit the  
22 utilization of a speech aide or other personnel employed  
23 by a public school working under the direct supervision  
24 of a credentialed speech-language pathologist as set forth  
25 in subdivision (c) of Section 3051.1 of Title 5 of the  
26 California Code of Regulations.

27 2538.7. (a) No person who is not registered as a  
28 speech-language pathology assistant shall utilize the title  
29 speech-language pathology assistant or a similar title that  
30 includes the words speech or language when combined  
31 with the term assistant.

32 (b) No person who is not registered as a  
33 speech-language pathology assistant shall perform the  
34 duties or functions of a speech-language pathology  
35 assistant, except as provided by this chapter.

36 SEC. 7. Section 2539 of the Business and Professions  
37 Code is amended and renumbered to read:

38 2537.5. The committee may adopt and enforce  
39 regulations to carry out the purposes and objectives of this

1 article, and the Moscone-Knox Professional Corporation  
2 Act, including regulations requiring any of the following:

3 (a) That the bylaws of a speech-language pathology  
4 corporation or an audiology corporation shall include a  
5 provision whereby the capital stock of the corporation  
6 owned by a disqualified person as defined in Section 13401  
7 of the Corporations Code, or *by the estate of* a deceased  
8 person shall be sold to the corporation or to the remaining  
9 shareholders of the corporation within such time as the  
10 regulations may provide.

11 (b) That a speech-language pathology corporation or  
12 an audiology corporation shall provide adequate security  
13 by insurance or otherwise for claims against it by its  
14 patients arising out of the rendering of professional  
15 services.

16 SEC. 8. Section 56363 of the Education Code is  
17 amended to read:

18 56363. (a) Designated instruction and services as  
19 specified in the individualized education program shall  
20 be available when the instruction and services are  
21 necessary for the pupil to benefit educationally from his  
22 or her instructional program. The instruction and  
23 services shall be provided by the regular class teacher, the  
24 special class teacher, or the resource specialist if the  
25 teacher or specialist is competent to provide the  
26 instruction and services and if the provision of the  
27 instruction and services by the teacher or specialist is  
28 feasible. If not, the appropriate designated instruction  
29 and services specialist shall provide the instruction and  
30 services. Designated instruction and services shall meet  
31 standards adopted by the board.

32 (b) These services may include, but are not limited to,  
33 the following:

34 (1) Language and speech development and  
35 remediation. These services may be provided by a  
36 speech-language pathologist assistant as defined in  
37 subdivision (f) of Section 2530.2 of the Business and  
38 Professions Code.

39 (2) Audiological services.

40 (3) Orientation and mobility instruction.

- 1 (4) Instruction in the home or hospital.
- 2 (5) Adapted physical education.
- 3 (6) Physical and occupational therapy.
- 4 (7) Vision services.
- 5 (8) Specialized driver training instruction.
- 6 (9) Counseling and guidance.
- 7 (10) Psychological services other than assessment and
- 8 development of the individualized education program.
- 9 (11) Parent counseling and training.
- 10 (12) Health and nursing services.
- 11 (13) Social worker services.
- 12 (14) Specially designed vocational education and
- 13 career development.
- 14 (15) Recreation services.
- 15 (16) Specialized services for low-incidence disabilities,
- 16 such as readers, transcribers, and vision and hearing
- 17 services.
- 18 SEC. 9. No reimbursement is required by this act
- 19 pursuant to Section 6 of Article XIII B of the California
- 20 Constitution because the only costs that may be incurred
- 21 by a local agency or school district will be incurred
- 22 because this act creates a new crime or infraction,
- 23 eliminates a crime or infraction, or changes the penalty
- 24 for a crime or infraction, within the meaning of Section
- 25 17556 of the Government Code, or changes the definition
- 26 of a crime within the meaning of Section 6 of Article
- 27 XIII B of the California Constitution.
- 28 Notwithstanding Section 17580 of the Government
- 29 Code, unless otherwise specified, the provisions of this act
- 30 shall become operative on the same date that the act
- 31 takes effect pursuant to the California Constitution.

